

AUG 24 2006  
PATENT

Application # 09/867,803

Attorney Docket # 1005-006

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Choi, Lawrence  
Application # : 09/867,803  
Confirmation # : 6606  
Filed : 31 May 2001  
Application Title : Method and System for Clustering Optimization and Applications  
Art Unit # : 2166  
Latest Examiner : Pham, Khanh B.

Mail Stop Appeal Brief-Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

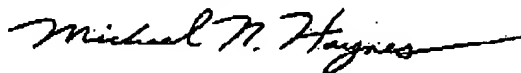
## REQUEST FOR REINSTATEMENT OF APPEAL

The Applicant respectfully requests reinstatement of the Appeal and herewith submits the Notice of Appeal in response to the Office Action of 28 June 2006. Applicant respectfully requests that the fees paid with the Notice of Appeal filed on 16 February 2006 be applied to the fees due for the attached Notice of Appeal.

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. 1.16 or 1.17 to Deposit Account No. 50-2504. The Examiner is invited to contact the undersigned at 434-972-9988 to discuss any matter regarding this application.

Respectfully submitted,

Michael Haynes PLC



Date: 24 August 2006

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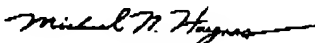
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PTO/SB/31 (04-05)

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<b>NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES</b>		Docket Number (Optional) <b>1005-006</b>						
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____ Signature _____ Typed or printed name _____	In re Application of <div style="text-align: center;"><b>Choi, Lawrence</b></div> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 2px;">Application Number <b>09/867,803</b></td> <td style="width: 50%; padding: 2px;">Filed <b>31 May 2001</b></td> </tr> <tr> <td colspan="2" style="padding: 2px;">For <b>Method and System for Clustering Optimization and Applications</b></td> </tr> <tr> <td style="padding: 2px;">Art Unit <b>2166</b></td> <td style="padding: 2px;">Examiner <b>Pham, Khanh B.</b></td> </tr> </table>		Application Number <b>09/867,803</b>	Filed <b>31 May 2001</b>	For <b>Method and System for Clustering Optimization and Applications</b>		Art Unit <b>2166</b>	Examiner <b>Pham, Khanh B.</b>
Application Number <b>09/867,803</b>	Filed <b>31 May 2001</b>							
For <b>Method and System for Clustering Optimization and Applications</b>								
Art Unit <b>2166</b>	Examiner <b>Pham, Khanh B.</b>							
Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.  The fee for this Notice of Appeal is (37 CFR 41.20(b)(1)) \$ _____  <div style="display: flex; justify-content: space-between;"> <div style="width: 60%;"> <input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is:            <input type="checkbox"/> A check in the amount of the fee is enclosed.            <input type="checkbox"/> Payment by credit card. Form PTO-2036 is attached.            <input type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.            <input checked="" type="checkbox"/> The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>50-2504</u>.            <input type="checkbox"/> A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.         </div> <div style="width: 35%; text-align: right;">           \$ 0         </div> </div> <p><b>WARNING:</b> Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p> <p>I am the</p> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input type="checkbox"/> applicant/inventor.  <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/86)  <input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>40,014</u>  <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. _____         </div> <div style="width: 50%; text-align: right;">             _____            Signature  <b>Michael Haynes</b>            _____            Typed or printed name  <b>434-972-9988</b>            _____            Telephone number  <b>08/24/2006</b>            _____            Date         </div> </div> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.</p>								
<input type="checkbox"/> *Total of <u>1</u> forms are submitted.								

This collection of information is required by 37 CFR 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 36 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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